

DDS-T-4353-76/

14 October 1976

MEMORANDUM FOR: Assistant for Information, DDA

ATTENTION :

THROUGH : SA/DDS&T -

SUBJECT : FOIA Appeal - IPS F-76-374

REFERENCE : Appeal Letter dated 8 September 1976

1. The reference imposes requirements which cannot possibly be fulfilled by the 18 October deadline. As there are now several requests -- all for essentially the same information, and as Marks imposes a requirement to review the documents prior to copying, it seems appropriate that a course of action, and a tentative schedule, be established to comply with his request.

2. The Office of Technical Service serves as a repository for specified (1 a, b, c, d) drug files which have thus far been identified. Although OTS has been assigned the responsibility to maintain and search the integrated drug files, the Office of Scientific Intelligence, the Office of Medical Services, and the Office of Security have specified a desire to review the ARTICHOKE papers prior to release. The Office of Technical Service cannot estimate the time that those units will require to complete their review.

3. As to schedule, years 1949-1951 have been reviewed and forwarded to IPS for coordination. The OTS sanitization of the 1952 BLUEBIRD/ARTICHOKE file is virtually complete. It is anticipated that the 1953 file will take about two weeks and the remainder of the file should average about one week per year through 1957. There is virtually nothing in the file for the

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period 1967 through 1974. The 1975 file consists of the plethora of memoranda resulting from the request of the Director for information on Questionable Activities and memoranda summarizing the available files on those past activities. Thus, the entire sanitized BLUEBIRD/ARTICHOKE file should be available by the end of November.

4. Regarding Reference 1c, MKULTRA was a funding mechanism under which all of this work and much more was done. There is no one central file for all of MKULTRA other than possibly the one destroyed in 1973. As soon as the known MKULTRA documents (those in the BLUEBIRD/ARTICHOKE file) now in our possession believed to be of most interest [] are sanitized, CIA archives should be searched for all of the projects funded as part of the MKULTRA umbrella. It is unknown how much time such a search would require. In short, [] request is more extensive and inclusive than even he realizes. There is also some question as to how far one must go to comply with the reasonable effort required by the FOIA. The Office of Technical Service would like a legal opinion stating how much research we are required to perform to satisfy this type of request.

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5. Re Reference 1d, very little of MKSEARCH (part of MKULTRA) escaped destruction. What did escape can be sanitized upon the conclusion of the BLUEBIRD/ARTICHOKE effort, and could be made available in sanitized form in late November or early December.

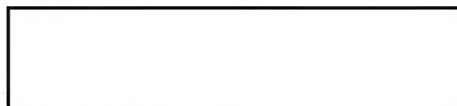
6. Re Reference 1e, MKDELTA was a policy approval mechanism, which should be available as the outdated CSI 220-10 dated 22 July 1960. Beyond that, it was only a routing indicator and there is no MKDELTA file in OTS.

7. Re Reference 2, a memorandum dated 21 April 1960, Subject, "Scientific and Technical Problems in Covert Action Operations"; it is not known if this specific document is in OTS files, if it is it should be revealed in the above search.

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8. Re Reference 3, no personal files in the name of the individuals mentioned are known to exist. There is no method to retrieve documents by author. As it was a common practice to prepare correspondence for the Unit Chief's signature, much of the correspondence of the units involved was signed by the specified individuals. Such a request therefore would be too broad and non-specific regarding subject matter to be a reasonable request under FOIA.



David S. Brandwein
Director
Office of Technical Service

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FRIED, FRANK, HARRIS, SHRIVER & KAMPELMAN

DD/S&T# 43-53/

SUITE 1000, THE WATERGATE 600
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, D. C. 20037

FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON

FELIX S. COHEN (1937-1953)

RICHARD B. BERRYMAN
DAVID C. SHENKMAN
JAMES B. SHENKMAN
PETER D. SHENKMAN
WILSON SHENKMAN
JOEL R. FEDERMAN
PATRICIA ROBERTS HARRIS

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ARTHUR LAZARUS, JR.
RICHARD SCHIFTER
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BARBARA GOLD
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HENRY A. HUSSCHMAN
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JOSEPH J. PETRALLO
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SCOTT A. SUDARHAN
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JILL WINE VOLNER
HOWARD WEINMAN
W. RICHARD WEST, JR.
CHRISTOPHER D. WHITNEY
JULIE L. WILLIAMS
KAREN HASTIE WILLIAMS
ERIC J. ZAHNER

FREDERICK BASS, JR.
COUNSEL

(202) 965-9400

CABLE "STERIC WASHINGTON"

TELEX 892408

110 BROADWAY
NEW YORK, N.Y. 10005
(212) 964-6500
TELEX: 620223

1 THROCKMORTON AVENUE
LONDON, EC2N 2AT, ENGLAND
(00) 825-7514
TELEX: 897008

September 8, 1976

OUR REFERENCE

9999.691

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Appeal

CERTIFIED MAIL NO. 645529
Return Receipt Requested

Mr. John F. Blake
Chairman, Information Review Committee
Central Intelligence Agency
Washington, D. C. 20505

Re: Appeal of Freedom of Information
June 10, 1976 Request of

[Redacted]

Dear Mr. Blake:

We are writing on behalf of [Redacted] with respect to a Freedom of Information Act request currently pending before the Central Intelligence Agency. This request was sent on June 10, 1976 and received at the CIA on June 14. A copy of the request letter is enclosed.

Because the CIA has not responded to the request within the ten-working-day period provided by law, 5 U.S.C. §552(a)(6)(i), we hereby appeal this implicit denial of the request under 32 C.F.R. §1900.51 (1975). According to law, you have twenty working days to decide upon this appeal, unless extended for good cause. 5 U.S.C. §552(a)(6)(ii); 32 C.F.R. §1900.51(e)(3) (1975).

At this time, we also wish to clarify the June 10 request letter. First, that letter should be understood to be a request to inspect the documents described therein with the right to copy any or all of the records reserved until the time of inspection.

Secondly, after review of certain documents released to Mr. [Redacted] in your letter of June 30, 1976 (in response to another FOIA

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Mr. John F. Blake
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request by Mr. [] dated June 30, 1975), we are able to describe more fully some of the documents currently sought.

The documents referenced in the June 10, 1976 request include, but are not limited to, the following:

1. All documents dealing with the CIA programs bearing the following cryptonyms:
 - (a) BLUEBIRD,
 - (b) ARTICHOKE,
 - (c) MKULTRA,
 - (d) MKSEARCH, and
 - (e) MKDELTA.
2. A memorandum, with appendices, dated April 21, 1960, entitled "Scientific and Technical Problems in Covert Action Operations," mentioned on page 16 of the Inspector General's report on MKULTRA dated August 14, 1963, especially Appendix B of the memorandum, entitled "The Applicability of Special Chemicals and Biologicals to Clandestine Operations."
3. Documents generated by, and presumably in the personal files of, Dr. S. Gottlieb and Messrs. Laschbrook, [] and Shef Edwards. STAT
4. A January 8, 1975 memorandum to the Inspector General from DD/S&T known as a "Compliance Statement with Regard to Questionable Activities."

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We hope to receive the reply to this appeal within the statutory deadline of twenty working days. Furthermore, we wish to appeal the decision by Gene F. Wilson, Information and Privacy Coordinator, in his June 21, 1976 letter, not to waive search and duplication fees incurred in fulfilling this request. As you know, Mr. [] is a professional journalist and the information sought

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Mr. John F. Blake

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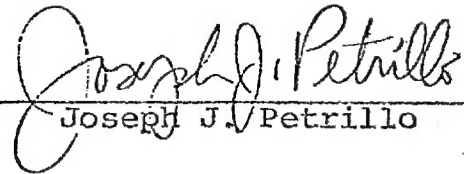
September 8, 1976

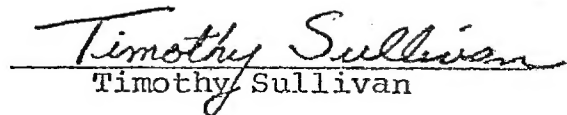
is for eventual public dissemination. Please inform us if you require additional information relative to the request for a waiver of fees.

Respectfully submitted,

FRIED, FRANK, HARRIS, SHRIVER
& KAMPELMAN

By


Joseph J. Petrillo


Timothy Sullivan

Counsel to



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Enclosure

cc: Emile Julian, Esquire

FRIED, FRANK, HARRIS, SHRIVER & KAMPELMAN

SUITE 1000, THE WATERGATE 600
600 NEW HAMPSHIRE AVENUE, N. W.
WASHINGTON, D. C. 20037

(202) 985-9400
CABLE "STERIC WASHINGTON"
TELEX 892408

To Don V. for accurate
and processing
FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON

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HOWARD WEINMAN
W. RICHARD WEST, JR.
KAREN HASTIE WILLIAMS
ERIC J. ZANLER

FREDERICK SASS, JR.
COUNSEL

20 BROADWAY
NEW YORK, N. Y. 10008
(212) 694-6500
TELEX 620222

THROUGHTON AVENUE
LONDON, EC2A 2AT, ENGLAND
(01) 629-7645
TELEX 887508

June 10, 1976

OUR REFERENCE

LOG/FOIA

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Certified Mail No. 645545
RETURN RECEIPT REQUESTED

Freedom of Information Coordinator
Central Intelligence Agency
Washington, DC 20505

Dear Sir:

On behalf of [redacted] we hereby formally request,
under the Freedom of Information Act, 5 U.S.C. Section 552,
the following documents:

1. All documents relating to the CIA's drug
and behavior-modification programs, whether
or not within Mr. [redacted] requests of June 30
and July 17, 1975 concerning documents
delivered to the Rockefeller Commission.
2. Any CIA index to or abstract of the documents
described in 1., above.
3. Any documents mentioned or referenced in the
text of the documents requested in 1. and 2.,
above.

Because these documents are being sought by [redacted]
in connection with his activities as a journalist, we
believe that any search or duplication fees to be incurred
in the fulfillment of this request should be waived, and

Letter to Freedom of Information
Coordinator
Central Intelligence Agency
June 10, 1976
Page Two

we intend to make a formal application for such waiver if
the Agency expresses an intention to assess such fees.

Respectfully submitted,

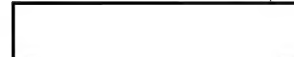
FRIED, FRANK, HARRIS, SHRIVER &
KAMPELMAN

By:

Joseph J. Petrillo
Joseph J. Petrillo

Timothy Sullivan
Timothy Sullivan

Counsel to



25X1

cc: Emile Julian, Esquire
John D. Marks

Joseph J. Petrillo, Esquire
Fried, Frank, Harris, Shriver & Kampelman
Suite 1000, The Watergate 600
600 New Hampshire Avenue, N.W.
Washington, DC 20037

Dear Mr. Petrillo:

This acknowledges receipt of your letter of 10 June
levying a Freedom of Information Act request upon this
Agency on behalf of your client, [REDACTED] We have
started the processing of this request and shall be back
in touch with you as soon as the necessary search and
review permit.

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I have determined that the fees should not be waived
and have included a copy of the Agency's fee schedule.

Sincerely,

/s/GFW

Gene F. Wilson
Information and Privacy Coordinator

Enclosure

IPS/DGV/cb/18 Jun 76

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